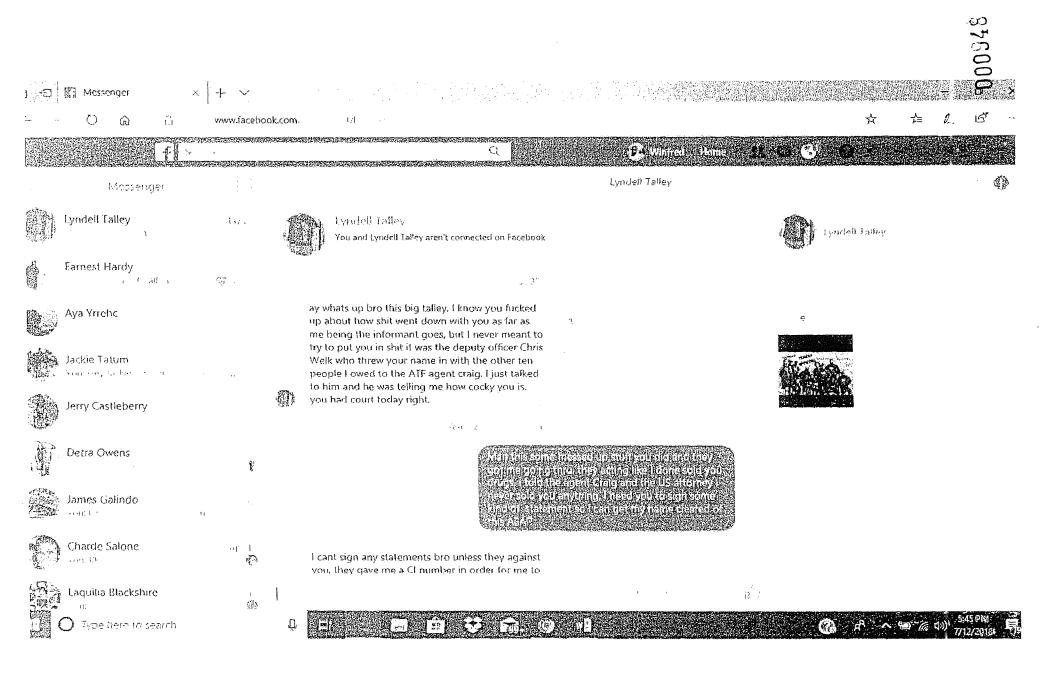
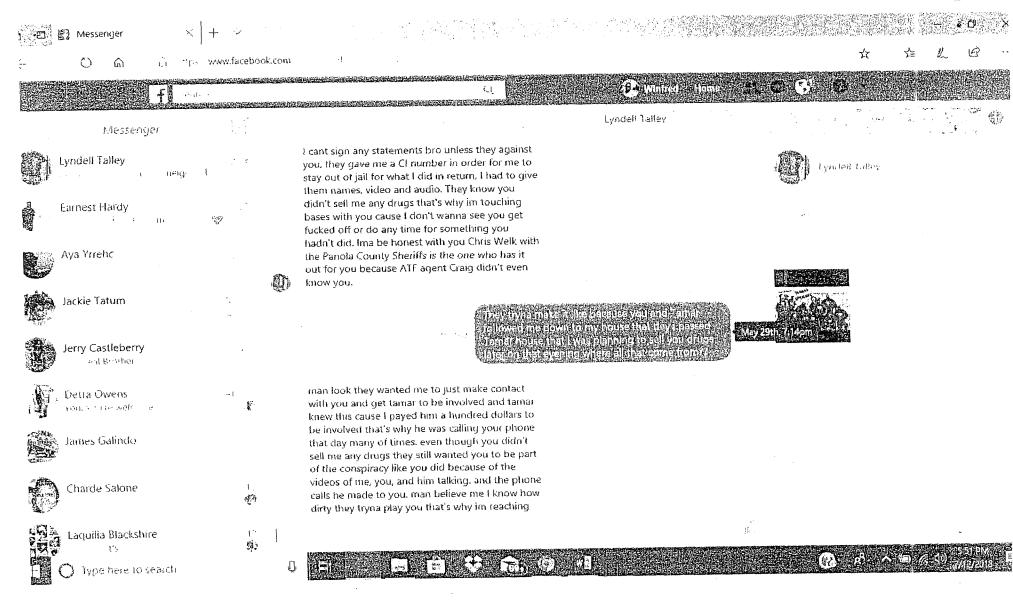
Defendant's Response to Government's Objection U.S. DIS to the Pre Sentence Investigation Report EASTERN arm writing in regards to the Governments Objection to the Presentence Report have raised many concerns and issues in regards to the inaccurate and materially untrue information that was submitted to U.S. Probation From the Government I object to the Covernment seeking to make me responsible for the boquis uncorresponded testimeny that was given by Devel Harrison and Tamar Tucker in trial in regards to drugs they have seen or received. No evidence in the trial record supports their testimony I have filed several Prose motions challenging the sufficiency of the evidence presented at Trial as it is essential to the hose offense level charged in the PSR. Count One in the Indictment charged (Conspirary to Possess with Intent to Distribute 50 Grans or more). M U.S. V. CEA, 914 F. 2d 881 (7th Cir 1990) The government acknowledges that in reviewing the sufficiency of the evidence the initial issue is the nature of the conspirators alleged agreement. See Reporter's Transcript of Excerpts OF Trial Testimony of Jamar Tucker-alloged Co-Conspirator. In the context of a narrotics transaction, neither a buyer nor a seller can be quilty of a conspiracy to possess a narcolic with intent to sell merely because of the relationship created by that sale. U.S. v. Manzella, 791 F. 2d 1263, 1265 (7th Cir 1986). The government further argues that while mere association with conspirators is by itself insufficient to prove participation in a conspiracy. a simple act may be sufficient evidence to prove a correpiracy if it can be inferred that the cuct was intended to advance the ends of the conspiracy. U.S. V. Xheka 704 F.2d 974 988-89 (7th Cir. 1983). June 28, 2019, Defendant was found quilty of Conspiracy to lessess Methamphetamine with the intent to distribute it in violation of 21 11.5. C. \$ 841 This charge requires proof that Defendant acted with specific intent to commit the underlying offense, and in addition took a substantial step toward its completion. U.S. v. Rovetuso, 768 F. 2d 809, 821 (7th Cir. 1985). Defendant claims the government failed to prove either pre-requisite beyond a reasonable doubt.

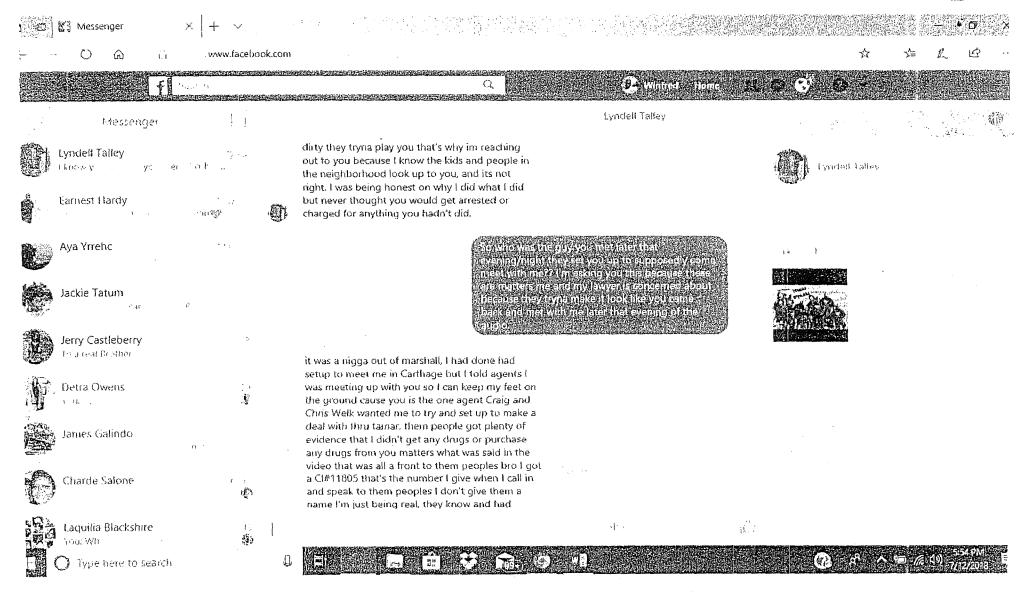
The Indictment charges Defendant not only with a drug offense, but it also alleges that defendant "did comply obstruct and impact or endeavor to influence, the administration of justice. in violation of 18 U.S.C. \$ 1503' (Count Two) and that he "did knowingly engage... and did knowingly attempt to engage in misteading conduct toward another person, with the intent to influence delay or prevent testimony ... in violation of 18 U.S. (. \$ 15126D(1). The Supreme Court of the United States has suggested that "corruptly" in the context of obstruction of justice, involves an element of dishonesty that is necessary for a finding of quilt See Arthur Anderson LLP V. United States, 544 U.S. 696, 706-07 (2005) (noting that "the Fifth Circuit Pattern Juny Instruction for \$ 1503. defined corruptly as knowingly and dishonestly, with the specific intent to subject or undermine the integrity of a proceeding." Moreover, the definition of "misteading conduct" for tampering with a witness in violation of 18 U.S. (\$1512 includes inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity." Flocordingly, the charges of obstruction of the due administration of justice and tampering with a witness by misteraling conclud was based on improper criteria unsupported by therecord. In accordance with the Supreme Court decision in Stirone V. U.S. when the government chaoses to specifically charge the manner in which the defendants statement is fake, the government should be required to prove that it is untruthful for that reason. 361 U.S. at 219.80 S. Ct. 270. To allow otherwise would pennit the July to convict the defendant on a basis broader than that changed in the Grand Tury Indiament. In requires to Count Two and Count Three, I am attaching documents showing proof of why I shouldn't be enhanced 2-levels for obstruction of justice and why lam objecting to Count Three-Tampering with a witness (misleading conduct) - 000946,000947 of the attached shows where my attorned submitted to the court our Exhibits for trial, and the government alleges in Count Two that defendant submitted to the Court fraudulent facebook messages purported to have been written by a Government Witness; cooq48, 000949, 000950 000051. nonasa

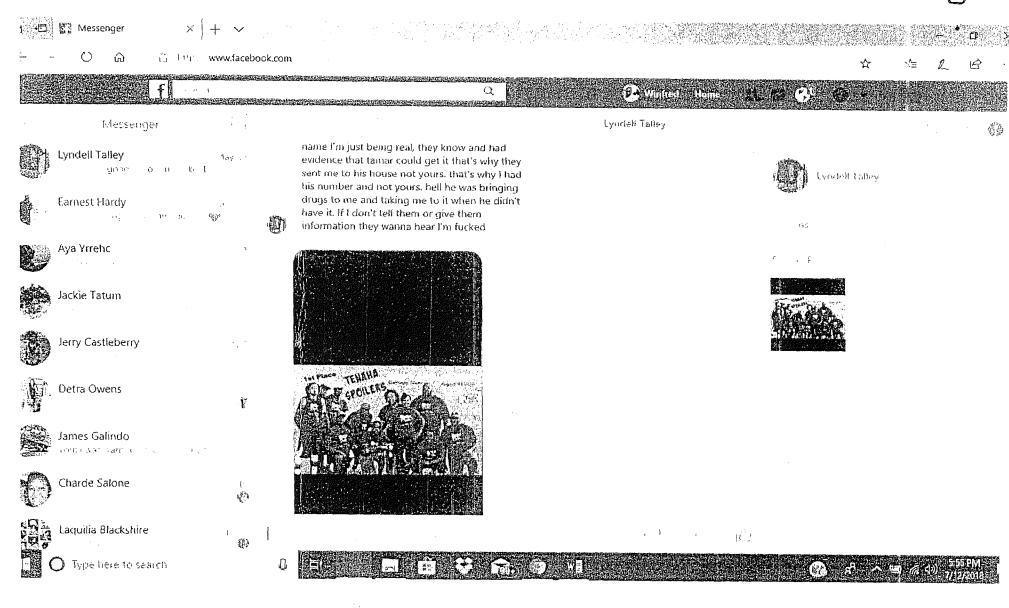
Wife West

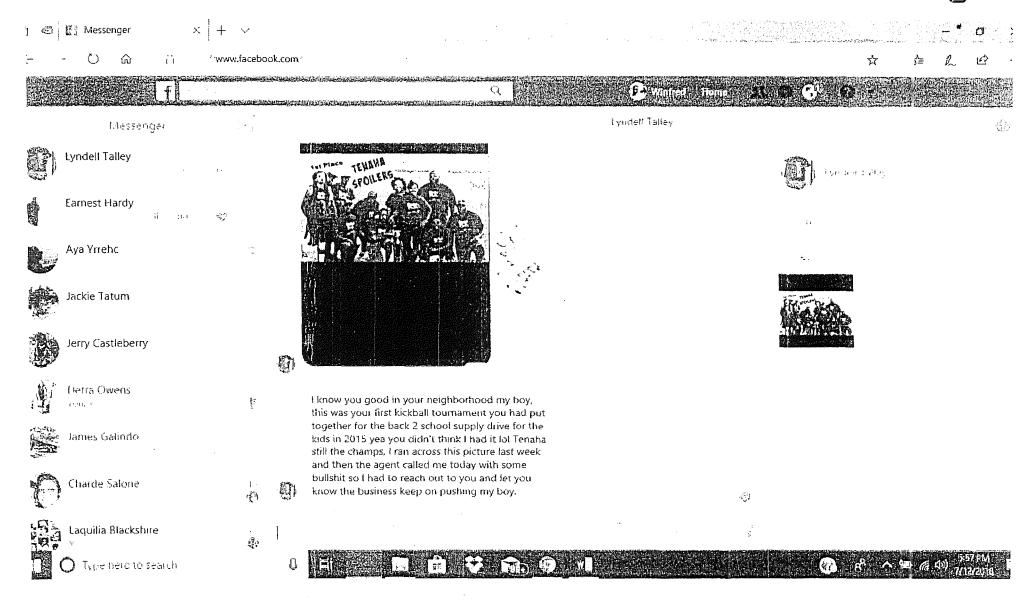
000 948, 1000 949, 1000 950, 100 951, 100 952 are the documents and messages the government alleges are fraudulent or fabe. in trial the government failed to prove the element of dishonesty which is necessary for a finding of quilt in regards to the obstruction of justice charge In trial North Texas Regional Computer Ferensics Laboratory Expert writness for the government Scott Mornis, reported and testified as to his finding of the electronic devices that was seized that it cannot be determined who typed the messages. See report in possession of the government - Bates Stamp Number, GOV Eccols to GOV Ecco32. have received notice from the court in which the trial court judge referred my Pro Se motion to Judge Hawthorn for consideration and determination for appointment of new counsel. It is my hope that he allows me to raise these issues and concerns set forth above as well as the Post-Trial Pro se Motions that has been filed on my behalf in a timely manner after trial. It should be noted that there was never an agreement between Tamar Tucker, defendant would like to direct your attention to the Trial Transcript Testimony Pages 99-102, 107, 108 that was submitted to the court as attachments in the Motion For An Evidentian Hearing. To Join a conspiracy, then, is to join an agreement, rather than a group. It follows that to be a conspirator you must know of the agreement, U.S. V. Cerro, 775 F. 2d 908, 911 (7th Cir 1985) and must intend to join it U.S. v. Bruun, 809 F. 2d 397, 410 (7th Cir 1987). In this case there is no agreement between Tamar Tucker or any other person to distribute drugs. A defendant must show both that he did not conspire with each defendant and that he was prejudiced by being tried with defendants who were not his co-conspirators U.S. v. Townsord 924 F. 2d 1385 (7th Cir 1991). Defendant also argues an agreement between a defendant and Lyndell Talley whom was acting purely as an government agent cannot be a conspiracy. See U.S. v. Escobar de Bright, 742 F. 2d 196, 1200-01 (9th Cir. 1984); Sears V. U.S., 343 F. 2d 139, 142 (5th (ir 1965) Defendant - Winfred Ware Ir, respectfully pray that you file these documents with PACER so that the record would show a response in regards to the Governments Objection to the PSR.











Certificate of Service
I certify a true and correct copy of the above letter has been hand delivered,
pre-paid postage to the District Clerk and parties written below on
the 30th day of September, 2019.
Cause No: 9:18 (R43
· Law Clerk
Jefferson County of Beaumont, TX - 300 Willow Street, 77701
Angelina County of Lufkin, TX - 104 North Third Street, 75901
· Honorable Judge Marcia A. Crone
Jefferson County of Beaumont, TX-300 Willow Street, 77701
· Assistant United States Attorney - Lauren Gaston
Anaplina County of Lufkin TX - 415 South First St Suite, 201 75901
· Defendants Attorney - Greg C Gladden
Harris County of Houston, TX-3017 Houston Avenue 77009
Respectfully submitted,
Date: 9/30/2019 W/d//Jeh
Wlinfred Ware Jr



and Clerk of Honorable Marcia A. Grone

TREAMMONT, TX TITO!

300 Willow St.

Winfred Nure 1061 Pearl S Regumnent. 17